

**ORDER OF COMMISSION**

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In the matter of Objection Nos. 075-113 filed by Charles E. Jarrell Contracting Co., Inc. on April 8, 2009, to Annual Wage Order No. 16 pertaining to the wage rate to be paid on Saturdays for the occupational title of Sheet Metal Worker in St. Louis City – Section 096 and in the Missouri Counties of Bollinger – Section 009, Butler – Section 012, Cape Girardeau – Section 016, Crawford – Section 028, Dent – Section 033, Dunklin – Section 035, Franklin – Section 036, Iron – Section 047, Jefferson – Section 050, Lincoln – Section 057, Madison – Section 062, Marion – Section 064, Mississippi – Section 067, New Madrid – Section 072, Pemiscot – Section 078, Perry – Section 079, Pike – Section 082, Ralls – Section 087, St. Charles – Section 092, Ste. Genevieve – Section 094, St. Francois – Section 095, St. Louis County – Section 100, Scott – Section 104, Shelby – Section 106, Stoddard – Section 107, Warren – Section 113, Washington – Section 114 and Wayne – Section 115; and

Objection Nos. 114-180 also filed by Charles E. Jarrell Contracting Co., Inc. on April 8, 2009, to Annual Wage Order No. 16 pertaining to the wage rates to be paid on Saturdays for the occupational titles of Plumber and Pipe Fitter in St. Louis City – Section 096 and in the Missouri Counties of Adair – Section 001, Audrain – Section 004, Bollinger – Section 009, Boone – Section 010, Butler – Section 012, Callaway – Section 014, Camden – Section 015, Cape Girardeau – Section 016, Carter – Section 018, Chariton – Section 021, Clark – Section 023, Cole – Section 026, Crawford – Section 028, Dent – Section 033, Dunklin – Section 035, Franklin – Section 036, Gasconade – Section 037, Grundy – Section 040, Howard – Section 045, Howell – Section 046, Iron – Section 047, Jefferson – Section 050, Knox – Section 052, Lewis – Section 056, Lincoln – Section 057, Linn – Section 058, Livingston – Section 059, Macon – Section 061, Madison – Section 062, Maries – Section 063, Marion – Section 064, Mercer – Section 065, Mississippi – Section 067, Moniteau – Section 068, Monroe – Section 069, Montgomery – Section 070, New Madrid – Section 072, Oregon, -- Section 075, Osage – Section 076, Pemiscot – Section 078, Perry – Section 079, Phelps – Section 081, Pike – Section 082, Pulaski – Section 085, Putnam – Section 086, Ralls – Section 087, Randolph – Section 088, Reynolds – Section 090, Ripley – Section 091, St. Charles – Section 092, Ste. Genevieve – Section 094, St. Francois – Section 095, St. Louis County – Section 100, Schuyler – Section 102, Scotland – Section 103, Scott – Section 104, Shannon – Section 105, Shelby – Section 106, Stoddard – Section 107, Sullivan – Section 109, Texas – Section 111, Warren – Section 113, Washington – Section 114 and Wayne – Section 115 all issued by the Division of Labor Standards, Department of Labor and Industrial Relations; filed with the Secretary of State: March 10, 2009.

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On April 8, 2009, the objections to the above-referenced Annual Wage Order No. 16 were filed on behalf of Charles E. Jarrell Contracting Co., Inc. (Objector), with the Labor and Industrial Relations Commission (Commission). A prehearing in the matter had been set for April 28, 2009, and a hearing had been set for May 12, 2009.

At the prehearing on April 28, 2009, the Commission received a stipulation in which the Objector and the Division of Labor Standards have agreed to the wage rates which should be paid on Saturdays to the respective crafts. These wage rates are reflected in the attached stipulation.

RECEIVED & FILED

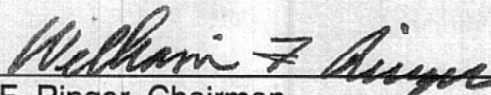
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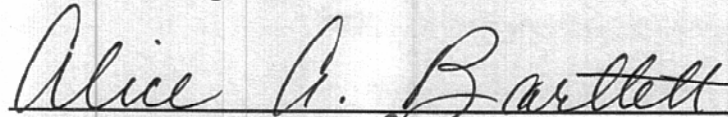
*Robin Carnahan*  
SECRETARY OF STATE  
COMMISSION DIVISION

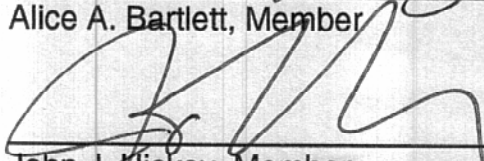
The Commission accepts the rates reflected in the stipulation, and orders those rates to be the prevailing rates for the crafts listed therein.

Given at Jefferson City, Missouri, this 7<sup>th</sup> of May 2009.

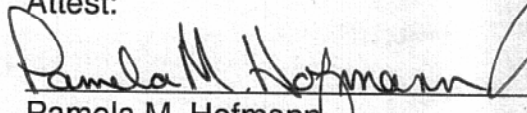
LABOR AND INDUSTRIAL RELATIONS COMMISSION

  
\_\_\_\_\_  
William F. Ringer, Chairman

  
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Alice A. Bartlett, Member

  
\_\_\_\_\_  
John J. Hickey, Member

Attest:

  
\_\_\_\_\_  
Pamela M. Hofmann  
Secretary



FILED

APR 28 2009

BEFORE THE  
LABOR AND INDUSTRIAL RELATIONS COMMISSION  
STATE OF MISSOURI

LABOR AND INDUSTRIAL  
RELATIONS COMMISSION

In the matter of:

Objections Filed By

Charles E. Jarrell Contracting Company, Inc.

Annual Wage Order No. 16 Sections 001, 004, 009, 010, 012, 014, 015, 016, 018, 021, 023, 026, 028, 033, 035, 036, 037, 040, 045, 046, 047, 050, 052, 056, 057, 058, 059, 061, 062, 063, 064, 065, 067, 068, 069, 070, 072, 075, 076, 078, 079, 081, 082, 085, 086, 087, 088, 090, 091, 092, 094, 095, 096, 100, 102, 103, 104, 105, 106, 107, 109, 111, 113, 114 & 115

Issued by the Division of Labor for Adair, Audrain, Bollinger, Boone, Butler, Callaway, Camden, Cape Girardeau, Carter, Chariton, Clark, Cole, Crawford, Dent, Dunklin, Franklin, Gasconade, Grundy, Howard, Howell, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, Mercer, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Charles, Ste. Genevieve, St. Francois, St. Louis City, St. Louis County, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Warren, Washington and Wayne Counties Missouri

STIPULATION OF FACT

Comes now the Missouri Department of Labor and Industrial Relations, Division of Labor Standards, together with the undersigned parties, and stipulates to the following facts:

1. That the Missouri Department of Labor and Industrial Relations, Division of Labor Standards gathered information to establish the Overtime Schedule for Building Construction for Annual Wage Order No. 16 in Sections 001, 004, 009, 010, 012, 014, 015, 016, 018, 021, 023, 026, 028, 033, 035, 036, 037, 040, 045, 046, 047, 050, 052, 056, 057, 058, 059, 061, 062, 063, 064, 065, 067, 068, 069, 070, 072, 075, 076, 078, 079, 081, 082, 085, 086, 087, 088, 090, 091, 092, 094, 095, 096, 100, 102, 103, 104, 105, 106, 107, 109, 111, 113, 114 & 115 to be issued pursuant to Section 290.262, RSMo, and that said wage order was filed with the Secretary of State on March 10, 2009. The Overtime Schedule rate for the occupational title of Sheet Metal Worker, Plumber and Pipe Fitter were set in accordance with information on file.

2. That the above-mentioned survey information has been maintained continuously and has been updated with additional information as it has become available, and the rates issued in the above-stated Annual Wage Order reflects the information which was available to the Division of Labor Standards at the time of issuance and filing with the Secretary of State on March 10, 2009.

3. That pursuant to Section 290.262, RSMo, the Department of Labor and Industrial Relations, Division of Labor Standards, is charged with determining the prevailing rates in each locality and to do so the Department shall ascertain and consider the applicable wage rates established by collective bargaining agreements, if any, and the rates that are paid generally within a locality.

4. That after conducting its survey and with further information received (See Exhibits A & B attached hereto and made a part hereof), the Department has determined that to accurately reflect the Overtime Schedule for Building Construction for Sheet Metal Worker, Plumber and Pipe Fitter in Adair, Audrain, Bollinger, Boone, Butler, Callaway, Camden, Cape Girardeau, Carter, Chariton, Clark, Cole, Crawford, Dent, Dunklin, Franklin, Gasconade, Grundy, Howard, Howell, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, Mercer, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Charles, Ste. Genevieve, St. Francois, St. Louis City, St. Louis County, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Warren, Washington and Wayne Counties Missouri the previously issued Overtime Schedule should be altered as set forth below:

OCCUPATIONAL TITLE

Sheet Metal Worker

Overtime Rate No. 32

Bollinger, Butler, Cape Girardeau, Crawford, Dent, Dunklin, Franklin, Iron, Jefferson, Lincoln, Madison, Marion, Mississippi, New Madrid, Pemiscot, Perry, Pike, Ralls, St. Charles, Ste. Genevieve, St. Francois, St. Louis City, St. Louis County, Scott, Shelby, Stoddard, Warren, Washington and Wayne Counties

**NO. 32:** The regular working day shall consist of seven and one-half (7½) hours of labor on the job between eight (8) a.m. and four (4) p.m. and the regular working week shall consist of five (5) consecutive seven and one-half (7½) hour day's of labor on the job beginning with Monday and ending with Friday of each week. The normal work week is 37½ hours. All full-time or part-time labor performed during such hours shall be recognized as regular working hours and paid for at the regular hourly rate. **All work performed during regular work hours on Saturdays shall be paid at time and one-half (1-1/2).** All work performed outside of regular working hours and performed during the regular work week, shall be at double (2) times the regular rate, except that the first two (2) hours following the regular work day shall be paid at one and one-half (1½) times the regular rate. And, a flexible starting time as early as 7:00 a.m. may be implemented when mutually agreed upon by the interested parties. An early starting time of 6:00 a.m. may be used during summer months to avoid excessive afternoon temperatures. This early starting time to be used when mutually agreed upon by the interested parties. All work performed on recognized holidays and Sundays shall be paid double (2) time. Appropriate overtime rates to be based on fifteen minute increments.



OCCUPATIONAL TITLE  
Plumber & Pipe Fitter

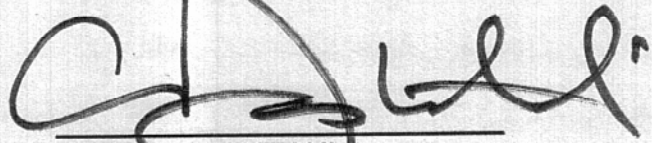
Overtime Rate No. 91

Adair, Audrain, Bollinger, Boone, Butler, Callaway, Camden, Cape Girardeau, Carter, Chariton, Clark, Cole, Crawford, Dent, Dunklin, Franklin, Gasconade, Grundy, Howard, Howell, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, Mercer, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Charles, Ste. Genevieve, St. Francois, St. Louis City, St. Louis County, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Warren, Washington and Wayne Counties

**NO. 91:** Means eight (8) hours shall constitute a day's work commencing at 8:00 a.m. and ending at 4:30 p.m., allowing one-half ( $\frac{1}{2}$ ) hour for lunch. The option exists for the Employer to use a flexible starting time between the hours of 6:00 a.m. and 9:00 a.m. The regular workweek shall consist of forty (40) hours of five (5) workdays, Monday through Friday. The workweek may consist of four (4) ten (10) hour days from Monday through Thursday, with Friday as a make-up day. If the make-up day is a holiday, the employee shall be paid at the double (2) time rate. The employees shall be paid time and one-half ( $1\frac{1}{2}$ ) for work performed **on Saturdays**, before the regular starting time or after the regular quitting time or over eight (8) hours per work day (unless working a 10-hour work day, then time and one-half ( $1\frac{1}{2}$ ) is paid for work performed over ten (10) hours a day) or over forty (40) hours per work week. Work performed on Sundays and recognized holidays shall be paid at the double (2) time rate of pay.

WHEREFORE, the parties pray the Commission issue an order finding that the Overtime Schedules are as stipulated above and authorize the Division of Labor Standards to issue the attached replacement page(s) for Adair, Audrain, Bollinger, Boone, Butler, Callaway, Camden, Cape Girardeau, Carter, Chariton, Clark, Cole, Crawford, Dent, Dunklin, Franklin, Gasconade, Grundy, Howard, Howell, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, Mercer, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Charles, Ste. Genevieve, St. Francois, St. Louis City, St. Louis County, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Warren, Washington and Wayne Counties setting forth the above-referenced overtime Schedule for Sheet Metal Worker, Plumber and Pipe Fitter.

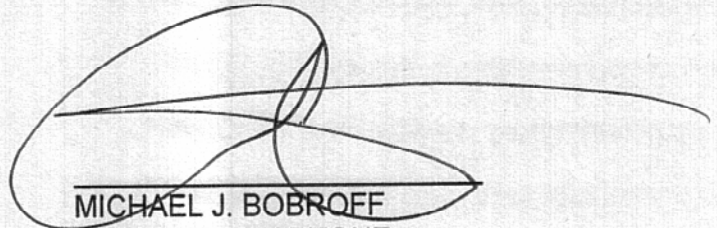
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Dated:

April 28, 2009